

REMARKS

Claims 1, 3, 5-11, and 13-18 are pending in the present application. Claims 2, 4, and 12 are canceled. Claims 1, 11, and 13-18 are amended.

Claims 1, 11, and 13-18 are amended to include the feature of presenting the pointer in a series of different changes based on the rate of movement for the pointing device. Reconsideration of the claims is respectfully requested.

In addition, applicants would like to thank the examiner for her courtesy in conducting a telephone conference with applicants on February 2, 2004. In this telephone conference, the examiner clarified that independent claims 17 and 18 are rejected under §102 in view of the *Shinichiro* reference, rather than under §103 in view of *Shinichiro* and *Heath* as stated in the November 18, 2003 office action.

I. 35 U.S.C. § 102, Anticipation, Claims 1, 2, 4, 6, 8-11, 15-18

The examiner has rejected claims 1, 2, 4, 6, 8-11, and 15-18 under 35 U.S.C. § 102 as being anticipated by *Shinichiro* (JP 10207441 A). This rejection is moot with regard to canceled claims 2 and 4 and is respectfully traversed with regard to the remaining claims.

With regard to claims 1, 11, and 15-18, the examiner states:

As to independent claims 1, 11, 15, and 16, *Shinichiro* discloses a method in a data processing system for changing a pointer, the method comprising, receiving a user input indicating that a pointing device was moved (abstract, lines 4-6); calculating a rate of movement for the pointing device (abstract, lines 4-6); comparing the rate of movement with a given threshold of speed (abstract, lines 4-7); and automatically updating a presentation of the pointer based on the given threshold of speed in response to receiving the user input, wherein a presentation of the pointer is altered if the rate of movement exceeds the given threshold of speed (abstract, lines 4-11).

Office Action, dated November 18, 2003, page 2.

A prior art reference anticipates the claimed invention under 35 U.S.C. §102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). The *Shinichiro* reference cited by the examiner does not anticipate

the present invention as recited in amended claim 1, because *Shinichiro* fails to teach each and every element of the amended claim. Amended independent claim 1, which is representative of amended independent claims 11, and 13-18, reads as follows:

1. A method in a data processing system for changing a pointer, the method comprising:
 - receiving a user input indicating that a pointing device was moved;
 - calculating a rate of movement for the pointing device;
 - comparing the rate of movement with a given threshold of speed; and
 - automatically updating a presentation of the pointer based on the given threshold of speed in response to receiving the user input,wherein a presentation of the pointer is altered if the rate of movement exceeds the given threshold of speed;
 - wherein other thresholds are present in addition to the given threshold of speed and wherein the pointer is changed each time one of the other thresholds is exceeded; and
 - wherein the presentation of the pointer is a series of different changes in presentation based on the rate of movement for the pointing device.

Amended claim 1 recites the feature of automatically updating a presentation of the pointer based on the given threshold of speed in response to receiving the user input, wherein a presentation of the pointer is altered if the rate of movement exceeds the given threshold of speed, wherein other thresholds are present in addition to the given threshold of speed and wherein the pointer is changed each time one of the other thresholds is exceeded, and wherein the presentation of the pointer is a series of different changes in presentation based on the rate of movement for the pointing device. This feature is not taught by *Shinichiro*.

Shinichiro teaches a system for providing a cursor display controller for improving man-machine interface (Abstract, lines 1-3). *Shinichiro* teaches enabling a user to easily and quickly view a cursor position and not to lose sight of the cursor when the mouse is moved (Abstract, lines 1-3). The examiner argues that *Shinichiro* teaches the feature of presenting the pointer in a series of different changes based on the rate of movement for the pointing device in the following passage:

Not only a cursor position but also its moving speed are obtained from the displacing amount of a mouse (S200). For understanding the position of the cursor, a user executes an operation for quickly moving a mouse as a sign to a calculator. A cursor display controller detects a cursor moving speed over a specified speed threshold value (S220) and performs display

emphasizing processing for emphasizing a cursor image (S240). This emphasizing processing is carried out by, for example, expanding the display size of the cursor, making a color a background complimentary color or increasing a luminance difference between the background and the cursor or combination of these.

Shinichiro, Abstract, lines 4-11.

The passage above teaches using a cursor display controller to determine the movement speed of the mouse, as well as determining the position of the cursor. By calculating the movement speed and the position of the cursor, the cursor image may be emphasized when the controller detects that the cursor speed is above a specified threshold value. Thus, when the cursor speed is above a threshold value, the controller may expand the cursor display size, make the background a complementary color or increase a luminance difference between the background and the cursor (Abstract, lines 9-11). The passage also mentions that any one of these display emphasizing processes may be implemented, or a combination of these processes may be used once the cursor speed is determined to be above the threshold value. In this manner, a user may easily and quickly view a cursor position and not to lose sight of the cursor when the mouse is moved.

However, as can be seen from the *Shinichiro* passage above, using a display emphasizing process or a combination of various display emphasizing processes to enable a user to track a cursor as defined in *Shinichiro* is not the same as automatically updating a presentation of the pointer using a series of different changes in presentation **based on the rate of movement** for the pointing device as claimed in the present invention. Emphasizing the cursor display in *Shinichiro* is performed by calculating whether the speed of cursor movement is above a single threshold, and if so, having the display controller expand the cursor display size, make the background a complementary color or increase a luminance difference between the background and the cursor emphasizing the cursor display. Although *Shinichiro* mentions that the cursor display emphasizing process may employ one or more of the emphasizing processes to be used in combination as described above, there is no teaching in *Shinichiro* of **presenting the cursor in a series of different changes based on the rate of movement for the pointing device**. *Shinichiro* makes no mention of altering the cursor display in a series

of changes, wherein changes may be presented to the user based on the rate of movement of the pointing device, nor does it mention the desirability of doing so. Consequently, *Shinichiro* merely teaches calculating a single threshold value and altering the appearance of the cursor or display, using one or more display changes in combination, based on whether this single threshold is exceeded. Thus, even though *Shinichiro* teaches using more than one display change in combination to emphasize the cursor, *Shinichiro* fails to teach altering the cursor display in a series of different changes, such that the display changes are performed in a series based on the rate of movement of the pointing device.

Furthermore, *Shinichiro* does not teach, suggest, or give any incentive to make the needed changes to reach the presently claimed invention. *Shinichiro* actually teaches away from the presently claimed invention because it teaches using either a single changed cursor display or using two or more changed cursor displays in combination as opposed to presenting the cursor in a series of different changes based on the rate of movement for the pointing device as in the presently claimed invention. Absent some teaching or incentive to modify *Shinichiro* to present the cursor in a series of successive changes based on the rate of movement for the pointing device, one of ordinary skill in the art would not be led to modify *Shinichiro* to reach the present invention when the reference is examined as a whole. Thus, the presently claimed invention can be reached only through an improper use of hindsight using applicants' disclosure as a template to make the necessary changes to reach the claimed invention.

In sum, *Shinichiro* teaches calculating a single threshold value and altering the appearance of the cursor or display, using one or more display changes in combination, based on whether this single threshold is exceeded. In contrast, the present invention, as recited in claims 1, 11, and 13-18, presents the cursor in a series of different changes based on the rate of movement for the pointing device, such that the cursor display may change in succession according to the rate of movement of the pointing device. Therefore *Shinichiro* fails to teach all elements of the claimed invention, and thus fails to anticipate the invention as recited in claims 1, 11, and 13-18.

Since claims 3, 6, and 8-10 depend from claim 1, the same distinctions between *Shinichiro* and the claimed invention in claim 1 apply for these claims. Consequently, it is respectfully urged that the rejection of claims 3, 6, and 8-10 have also been overcome.

Accordingly, applicants respectfully request that the rejection of claims 1, 3, 6, 8-11, and 15-18 under 35 U.S.C. § 102 be withdrawn.

II. 35 U.S.C. § 103, Obviousness, Claims 3, 5, 7, and 12

The Examiner has rejected claims 3, 5, 7, and 12 under 35 U.S.C. § 103 as being unpatentable over *Shinichiro* (JP 10207441 A). This rejection is moot with regard to canceled claim 12 and is respectfully traversed with regard to the remaining claims.

As for claims 3, 5, and 7, the *Shinichiro* reference fails to teach or suggest the present invention as recited in claims 3, 5, and 7. Claims 3, 5, and 7 are dependent claims depending from claim 1. The *Shinichiro* reference still does not teach or suggest all the claim limitations in claims 3, 5, and 7, as argued in the response to the rejection of amended claim 1 above. Consequently, claims 3, 5, and 7 are patentable over the cited references because the *Shinichiro* would not reach the presently claimed invention. The features relied upon as being taught in the *Shinichiro* reference are not taught or suggested by that reference, as explained above. As a result, the cited reference would not reach the claimed invention in claims 3, 5, and 7.

Therefore, the rejection of claims 3, 5, and 7 under 35 U.S.C. § 103 has been overcome.

III. 35 U.S.C. § 103, Obviousness, Claims 13, 14, 17, and 18

The Examiner has rejected claims 13, 14, 17, and 18 under 35 U.S.C. § 103 as being unpatentable over *Shinichiro* (JP 10207441 A) in view of *Heath et al* (US Patent No. 4,760,386). This rejection is moot with regard to claims 17 and 18 (see Remarks) and is respectfully traversed with regard to the remaining claims.

As for claims 13 and 14, the *Shinichiro* reference still does not teach or suggest all the claim limitations in claims 13 and 14, as argued in the response to the rejection of amended claim 1 above. Consequently, claims 13 and 14 are patentable over the cited references because the *Shinichiro* would not reach the presently claimed invention. The features relied upon as being taught in the *Shinichiro* reference are not taught or suggested by that reference, as explained above. As a result, the cited reference would not reach the claimed invention in claims 13 and 14.

Furthermore, the present invention recognizes the problem of changing a pointer based on rate of movement of a pointing device so that the pointer is easier to view. Applicants acknowledge that *Shinichiro* is directed towards altering a cursor display based on rate of movement of a mouse so that the cursor is easier to view. However, *Heath* does not teach the problem or its source. *Heath* is directed towards a system in which a keyboard controlled cursor and a pointer controlled by a pointing device can coexist on a visual display device (*Heath*, col. 1, lines 7-10). *Heath* actually teaches away from the presently claims invention for it teaches removing the mouse pointer from the visual display screen, as shown below:

Accordingly, with the present invention the mouse pointer is temporarily removed from the visual display screen when the first character is being updated on the screen. The mouse pointer is left hidden from the screen until the keyboard has been idle for a predetermined period of time. (*Heath*, col. 1, lines 32-37).

Thus, *Heath* is directed towards hiding a mouse pointer, rather than enhancing the pointer display in order for a user to be able to track the pointer. Consequently, one of ordinary skill in the art would therefore not be motivated to combine or modify the references in the manner required to form the solution disclosed in the present invention.

Therefore, the rejection of claims 13 and 14 under 35 U.S.C. § 103 has been overcome.

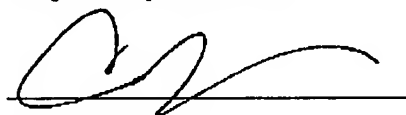
IV. Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 2/4/04

Respectfully submitted,



Cathrine K. Kinslow

Reg. No. 51,886

Carstens, Yee & Cahoon, LLP

P.O. Box 802334

Dallas, TX 75380

(972) 367-2001

Attorney for Applicant